

## **REMARKS**

Before entry of this Amendment, the status of the application is as follows:

- Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,279,694 to DiSanto et al. ("DiSanto") in view of U.S. Patent No. 6,661,563 to Hayashi et al. ("Hayashi").
- Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSanto in view of Hayashi and further in view of U.S. Patent No. 5,492,863 to Higgins, III ("Higgins").
- Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSanto in view of Hayashi and further in view of U.S. Patent No. 6,369,793 to Parker ("Parker").
- Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSanto in view of Hayashi and further in view of U.S. Patent No. 5,660,570 to Chan et al. ("Chan").
- Claims 7-12 have been restricted out due to a provisional election made with traverse to prosecute claims 1-6.

Applicants hereby affirm the election with traverse to prosecute claims 1-6 and to withdraw claims 7-12.

Additionally, Applicants hereby present new claims 13-20 for examination. Support for these new claims may be found in the original Application, for example, at page 5, lines 8-30, and at page 6, lines 1-19.

As such, following entry of the present Amendment, claims 1-6 and 13-20 are pending in this Application. In view of the following remarks, Applicants request reconsideration and withdrawal of the rejections of claims 1-6, and allowance of claims 1-6 and 13-20.

Applicants respectfully submit that the rejection of independent claim 1 over DiSanto in view of Hayashi cannot be sustained because combining the two references to practice the claimed invention is improper. As pointed out by the Office action, on one hand, DiSanto does not teach or suggest flexibility in the substrate. Nor does it teach the overall flexibility of the display assembly. On the other hand, Hayashi teaches away from the configuration recited in the amended claim 1, which requires that the control circuit be co-located with and spaced away

from a flexible display element. Co-location of the two permits manufacturing of a flexible panel display. *See* Specification, page 2, lines 20-23; page 3, lines 5-10; and page 10, lines 20-25. Hayashi, in contrast to the co-location configuration required by the amended claim 1, describes an electrophoretic display with an optional base substrate 11, an electric layer 14 that includes control circuits, and a display layer 12, all three layers stacked on each other. *See* Hayashi, FIGS. 1A-1E; and column 7, lines 28-49. Hayashi emphasizes, in its “Summary of the Invention” section, several advantages of its stacking configuration, including the elimination of “wiring members necessary for connection of elements and circuits and molding or packaging members necessary for connection of elements and circuits.” *See* Hayashi, column 5, lines 13-29. Accordingly, Hayashi teaches away from spacing the control circuit away from the display element, i.e., in a co-location configuration, to preserve overall flexibility of the display assembly as in the invention recited by the amended claim 1. At least for these reasons, one skilled in the art would not combine DiSanto and Hayashi in an attempt to practice the present invention.

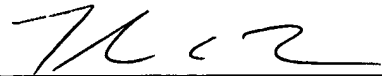
Additionally, Applicants respectfully submit that the rejection of claim 1 cannot be sustained because, even if combined, DiSanto and Hayashi do not teach or suggest the invention of amended claim 1. DiSanto describes metalized solid row and column conductors placed on a glass substrate. Column 5, line 66 – column 6, line 5. Such metalized conductors are illustrated in FIG. 4 (reference numbers 110 and 112) in DiSanto and are presumably solid and inflexible. Therefore, even if following the Office action’s suggestion, a flexible substrate is substituted for the glass substrate in DiSanto, the resulting display is still not capable of flexing without substantial detriment to its optical performance. Indeed, flexing such a modified display may damage or break the metalized conductors, rendering the modified display inoperable. As such, substituting the flexible substrate of Hayashi for the glass substrate of DiSanto does not teach or suggest the invention disclosed by amended claim 1. For at least the above reasons, amended claim 1 is patentable over DiSanto in view of Hayashi.

Claims 2-6 and new claims 13-20 depend either directly or indirectly from independent claim 1, and include all the limitations thereof. Therefore, Applicants respectfully submit that these claims are patentable as well, at least for the reasons discussed above with respect to amended claim 1.

**CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all rejections and allowance of claims 1-6 and 13-20, in due course. The Examiner is hereby cordially invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,



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